

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

HUNTER BUSINESS SYSTEMS OF
DELAWARE, LLC,

Plaintiff,

v.

CANON U.S.A., INC.,

Defendant.

Case No.

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Canon U.S.A., Inc. (“Canon USA”) hereby removes the above-captioned matter, and all claims asserted therein, from the Superior Court of New Jersey, Middlesex County, to the United States District Court for the District of New Jersey. As grounds for removal to this Court, and while reserving all defenses and rights available to it, Canon USA states as follows:

1. On October 5, 2021, Plaintiff Hunter Business Systems of Delaware, LLC (“Plaintiff”) served Canon USA with a copy of its Verified Complaint (as filed in the Superior Court of New Jersey, Middlesex County on October 4, 2021), an accompanying *ex parte* application for preliminary relief (also as filed on October 4, 2021), and a signed Order to Show Cause with Temporary Restraints (as filed on October 5, 2021), by delivering copies by email to Canon USA’s counsel. Pursuant to 28 U.S.C. § 1446(a), a true and correct copy of Plaintiff’s certification of service of the enumerated papers is attached hereto as Exhibit A.

2. On October 7, 2021, Canon USA’s counsel returned a signed Acknowledgment of Service to Plaintiff’s counsel. A true and correct copy is attached hereto as Exhibit B.

3. No other process, pleading, or order has been served upon Canon USA in connection

with this matter to date.

4. Canon USA's Notice of Removal is timely, pursuant to 28 U.S.C. § 1446(b)(1) and (c)(1), because it is being filed within thirty (30) days of its receipt of service of process and within one (1) year of Plaintiff's filing of its Verified Complaint in the state court action.

5. Plaintiff's lawsuit is removable based on diversity jurisdiction pursuant to 28 U.S.C. § 1332(a). Canon USA is incorporated in the State of New York and maintains its principal place of business at 1 Canon Park, Melville, New York 11747.¹ Plaintiff alleges that it is a limited liability company formed under the laws of Delaware and that it maintains its principal place of business in New Jersey. *See* Ex. A ¶ 3.

6. The amount in controversy is more than \$75,000. *See* Ex. A (Verified Complaint) ¶ 19 (alleging that it "has made the monetary investments in equipment in excess of \$10,000,000 in the past five to six years alone" and purchases "a minimum inventory of \$2,000,000 per year"); *id.* ¶ 20 (alleging that Plaintiff "has incurred costs of millions of dollars"); *id.* ¶ 24 (alleging that termination of its agreement with Canon USA "would cause Plaintiff to lose its business, and to forfeit its business and investment of time and money over the past 25 years of more than \$10,000,000"); and *id.* ¶ 46 (alleging that, if the agreement is terminated, Plaintiff's "investment of time effort and loss of other opportunity . . . and financial investment in excess of \$15,000,000 . . . will be forfeited").

¹ The Verified Complaint states that Canon USA maintains "a principal place of business in New Jersey at 100 Ridge Road, Monroe Township, Middlesex County, New Jersey." *See* Ex. A (Verified Complaint) ¶ 4. That is not correct. As stated on the first page of Exhibit A to the Verified Complaint (the Office Imaging Retail Dealer Agreement between the parties), Canon USA is incorporated in New York and maintains its principal place of business there. *See* Ex. A to the Verified Complaint. The Court may also take judicial notice of Canon USA's incorporation and principal place of business in New York as recorded by the New York Department of State, Business Corporations Division, at <https://apps.dos.ny.gov/publicInquiry/EntityDisplay>. A printout of that registration, downloaded on October 12, 2021, is attached hereto as Exhibit C.

7. Venue upon removal is proper under 28 U.S.C. § 1441(a) because the Trenton vicinage of this Court is situated within the federal judicial district corresponding to the county in which the state court action is pending.

8. Written notice of the filing of this Notice of Removal will be given to Plaintiff via service upon its counsel promptly following the filing of the Notice of Removal. In addition, a copy of this Notice of Removal will be filed with the Clerk of the Superior Court of New Jersey, Middlesex County, promptly following the filing of the Notice of Removal. *See* 28 U.S.C. § 1446(d).

9. Pursuant to Local Civ. R. 5.1(b), the completed civil cover sheet and four (4) copies of this Notice of Removal, with all exhibits, will be submitted promptly to the Clerk of this Court.

WHEREFORE, Defendant Canon USA respectfully removes this matter from the Superior Court of New Jersey, Middlesex County, to the United States District Court for the District of New Jersey.

Respectfully submitted,

DORSEY & WHITNEY LLP

By: /s/ Bruce R. Ewing

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Attorneys for Defendant Canon U.S.A., Inc.

Dated: New York, New York
October 13, 2021